

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS E. BLACKWELL, II,

Plaintiff,

Case No. 1:18-cv-1261

v.

HON. JANET T. NEFF

LOU ANNA K. SIMON, et al.,

Defendants.

ORDER

Pending before the Court is Plaintiff's "Emergency Motion for Clarification with Respect to Whether Plaintiff Can File a Separate Objection to Magistrate Judge's R&R and Separate Appeals to Each of the Orders Contained in Magistrate Judge Sally J. Berens' Report and Recommendation; Order; Referral" (ECF No. 250) and Defendants' responses (ECF Nos. 253 & 255). For the following reasons, the Court grants in part and denies in part Plaintiff's motion.

On March 20, 2020, Magistrate Judge Berens issued a 41-page consolidated "Report and Recommendation; Order; Referral" (ECF No. 234), which resolved seven motions. Plaintiff moved for an extension of time in which to file any appeal, objections and/or other filings concerning the "Report and Recommendation; Order; Referral" (ECF No. 234), and this Court extended the deadline to April 17, 2020 (Orders, ECF Nos. 238 & 241). The parties thereafter stipulated to extend the deadline to April 24, 2020, and this Court granted the stipulation (Order, ECF No. 248).

Plaintiff's April 18, 2020 motion at bar requests this Court "(a) grant Plaintiff's emergency motion for clarification; (b) grant Plaintiff's request clarifying that Plaintiff has the right to file objections to Magistrate Judge Berens' Report and Recommendation separately from any appeals

of her Orders in accordance with LCivR 72.3(b); (c) grant Plaintiff's request clarifying that Plaintiff has the right to file separate appeals to each of the Orders contained in ECF No. 234; (d) grant Plaintiff's request clarifying that Attorney Paterson, as a party, has the right to file a separate appeal of Magistrate Judge Berens' Order referring him to the Chief Judge; and (e) or alternatively, if this Honorable Court determines that only one (1) consolidated appeal to Magistrate Judge Berens' Orders must be filed in a single document, that Plaintiff's [sic] requests this Court to waive and/or enlarge the 4,300 word limit as set forth in LCivR 72.3(a) to allow Plaintiff a fair and reasonable word count within which to respond" (ECF No. 250 at PageID.3294).

Having considered the parties' motion papers and being familiar with the case circumstances, the Court will, in its discretion, grant Plaintiff's emergency motion for clarification to the extent that Plaintiff may file a single brief, limited to 25 pages, to address Magistrate Judge Berens' consolidated Report and Recommendation; Order; Referral (ECF No. 234), and Defendants' response shall similarly be limited to 25 pages. Plaintiff's motion is otherwise denied.

Therefore:

IT IS HEREBY ORDERED that Plaintiff's "Emergency Motion for Clarification with Respect to Whether Plaintiff Can File a Separate Objection to Magistrate Judge's R&R and Separate Appeals to Each of the Orders Contained in Magistrate Judge Sally J. Berens' Report and Recommendation; Order; Referral" (ECF No. 250) is GRANTED IN PART and DENIED IN PART.

Dated: April 21, 2020

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge